

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

RES-GA FOUR LLC,)
Plaintiff,)
v.) CIVIL ACTION NO. 5:10-CV-463 (MTT)
AVALON BUILDERS OF GA LLC, et al.,)
Defendants.)

)

ORDER

The Defendants have filed a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1) and (b)(5) for lack of subject-matter jurisdiction and insufficient service of process.

The Plaintiff alleged it is a Florida limited liability company, Defendant Avalon Builders is a Georgia limited liability company, Defendant Five Star Sale's, Inc. is a Georgia corporation, Defendant Five M Paints is a Georgia limited liability company, and Defendant The Five M Family Limited Partnership is a Georgia limited partnership.¹ Corporations are citizens in the states of their incorporation and their principal place of business. 28 U.S.C. § 1332(c)(1). However, limited partnerships and limited liability companies are citizens in the states where their partners and members, respectively, are citizens. *Rolling Greens MHP, L.P. v. Comcast SCH Holdings, L.L.C.*, 374 F.3d 1020, 1022 (11th Cir. 2004). The defendants contend primarily that the Plaintiff has not alleged the citizenship of its members.

¹ Five M Paints and The Five M Family are not corporations, as alleged in the Amended Complaint.

To determine whether there is subject-matter jurisdiction over this action, the Court gives the Plaintiff until **September 8, 2011** to amend the complaint to clarify the citizenships of the Parties. Defendant Valorie Mitchell and the registered agent or an officer of each specially appearing Defendant shall be present at this hearing.

The service of process issue will be addressed at the September 9, 2011 hearing.

SO ORDERED, this the 29th day of August, 2011.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT